

I yield the floor.

The PRESIDING OFFICER (Mr. SUNUNU). The Senator from Texas.

Mr. CORNYN. I will ask unanimous consent I be permitted to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. CORNYN are printed in today's RECORD under "Morning Business.")

Mr. DEWINE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ENZI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ENZI. Mr. President, I rise in support of the nomination of my good friend, William G. Myers III. I recommend him highly, and I believe the United States Senate should approve his nomination to serve as a judge on the Ninth Circuit Court of Appeals. He has earned that position by his dedication and a remarkable record of service to the country and to our legal system.

I am concerned we won't hear about his impressive record, however, I am afraid we are going to hear a lot of needlessly harsh rhetoric about Bill being a radical who has only represented extreme conservative interests during the course of his outstanding legal career. That isn't the truth, of course, but it does make for good soundbites and unfortunately, that is often what is promoted as the truth.

The truth is that Bill is not a radical extremist, nor does he have a political agenda that he is trying to pursue in agreeing to be nominated for the Ninth Circuit. A radical judge would be one who is intent on making extreme, sweeping changes in the political and social make up of the west. A radical judge is someone who stands out as being significantly different from the community he represents, who pursues his ideology regardless of its impact on those affected by his actions, and who doesn't care if his actions do not represent the interests of the people he serves.

No, Bill is not a radical for he is none of those things. In fact, he is quite the opposite. He is someone who has lived and worked with the people of the West. He knows them, respects them, and he understands the demands they face every day as they try to make a living. He knows their dreams and he shares their values. He is looking to serve on the bench to make life better for them and for all those in the West who will be affected by his decisions.

It is unfortunate that this is an election year. Any other year and we would see Bill for who and what he is. We would see him, not as a radical, but a typical Westerner who has a well established and outstanding reputation for his work representing the West.

Who else shall we appoint to the Ninth Circuit to truly represent the typical West? I believe it would be very safe to say that the Ninth Circuit Court is made up predominantly of judges who are sympathetic to radical agendas with very few if any of them representing the hardworking miners and ranchers who have for generations made up the backbone of the Western economy.

Of the 26 active judges on the Ninth Circuit Court, 17 were appointed by Democrat presidents. Only 9 judges are Republican appointees. A remarkable 14 of the 26 judges—54 percent of the court—were appointed by President Clinton. In 2000 alone—a presidential election year—President Clinton appointed four judges to the court.

The Ninth Circuit has established a pattern of issuing the most activist decisions in the country. In one day earlier this year, the U.S. Supreme Court reversed three decisions from the Ninth Circuit, and the Supreme Court ended its 2003-2004 term having reversed the Ninth Circuit in 81 percent of the cases appealed from it. Needless to say, that's not a good record. That means, in every five cases that were appealed, the Supreme Court ruled that these judges got it wrong 4 out of every 5 cases. Worse still, this was an improvement over their embarrassingly high reversal rate over the past several years—86.5 percent since 1998. This trend is likely to continue unless we help correct the situation by confirming good, honest judges who respect the Constitution and Federal law. Judges who will bring some balance to the Ninth Circuit equation.

Why do they call Bill a radical? If you examine his record, you will see that he represents and understands those under the jurisdiction of the Ninth Circuit Court—the average person in the West who relies more on common sense than complicated legal arguments to determine right from wrong. That ought to erase that label. But, for some reason, it doesn't. Could the placing of this label on this good, fair, honest, and decent individual be another ploy at politicizing this nomination for the sake of obstruction?

Most of the Judges on the Ninth Circuit Court come from the Circuit's most populated States, such as California. The other States that make up the Ninth Circuit, such as the State of Idaho, are allowed only one judge. Right now Idaho's seat is vacant. Will Idaho only be allowed representation on the court when it has a nominee from California?

We begin every session here in the Senate with the Pledge of Allegiance. We join together to say those special words. As we do, I know that my colleagues, on both sides of the aisle, say those words with a firm heartfelt commitment to this country and that they mean every word of pledging their allegiance to the flag and to this Nation. But I have to wonder if they haven't forgotten the meaning of all the words

in the pledge when they take a hardline stance like this against a fully qualified nominee.

The last six words of the Pledge of Allegiance, "with liberty and justice for all," mean that we do not preserve justice or liberty for a few people, or for most of the people, and leave a few, or even an individual, behind. It means we have justice for all, for everyone, and that we don't make exceptions because they come from a State that doesn't have as many people as California, or may not be as liberal as California.

In fact, this is one of the situations that the courts were created to protect—the rights of each individual. I think it is a little ironic that there are those here in the Senate that would be willing to withhold justice and rights from some people, in this case the average, hardworking people who make up the population within the Ninth Circuit just because those individuals don't share their political philosophy.

I hope we will do the right thing by Bill Myers.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ENZI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

MORNING BUSINESS

Mr. ENZI. Mr. President, I ask unanimous consent that there now be a period of morning business for debate only, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

ENERGY POLICY

Mr. REID. Mr. President, this is a time when American families take their vacations. I can remember as a young man working in a service station in Las Vegas and Henderson. This was a busy time of the year. It was always interesting to see the cars loaded with kids going every place. Even today, these many years later, families still drive. This summer, although the price of gas is not quite as high as it was a few months ago, it is still near record levels in many parts of the country, including the State of Nevada. Every time a family stops for gasoline, it is a reminder that our country needs reliable sources of energy that are not subject to wild price swings.

Every time we see a scene from the Middle East on TV news—and that is